

Mr. LEAHY. Madam President, I ask unanimous consent to yield back all time on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to Coburn amendment No. 13.

Mr. LEAHY. Madam President, the yeas and nays have not been requested, have they?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), the Senator from Nevada (Mr. HELLER), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SHELBY), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 59, as follows:

[Rollcall Vote No. 14 Leg.]

#### YEAS—31

Ayotte	Fischer	McConnell
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Thune
Corker	Johanns	Toomey
Cornyn	Lee	
Enzi	McCain	

#### NAYS—59

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Boxer	Johnson (SD)	Reid
Brown	Kaine	Rockefeller
Cantwell	King	Sanders
Cardin	Kirk	Schatz
Carper	Klobuchar	Schumer
Casey	Landrieu	Shaheen
Collins	Lautenberg	Stabenow
Coons	Leahy	Tester
Cowan	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

#### NOT VOTING—10

Alexander	Johnson (WI)	Vitter
Cochran	Moran	Wicker
Cruz	Roberts	
Heller	Shelby	

The amendment (No. 13) was rejected.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business with Senators permitted to speak for up to 10 minutes each.

The Senator from North Carolina.

#### TRIBUTE TO KIRK NOBEL BLOODSWORTH

Mr. LEAHY. Mr. President, any one of us can only imagine what it would be like to be wrongly arrested, tried, convicted, and sentenced to death for a crime we did not commit. And whatever we imagined would pale by comparison to reality.

Kirk Nobel Bloodsworth, who I am privileged to call a friend, was the victim of such a horrific miscarriage of justice. He served 9 years for the rape and murder of a young girl he never met, based on the mistaken identification by one of Kirk's neighbors.

Eyewitness identifications, assumed to be among the best evidence, are notoriously unreliable. Case after case demonstrates this. Take the massive search currently underway for Christopher Dorner, the former Los Angeles police officer suspected in three killings. The police have been inundated with numerous false "sightings."

Kirk Bloodsworth is a free man today not because the justice system worked. For 9 years it failed miserably, and during that time the real killer was free. Rather, he had to prove his innocence thanks to DNA evidence, which is not available in most cases. One shudders to think of the number of factually innocent people who may be serving long sentences for whom exoneration through DNA testing isn't an option.

A February 5, 2013, article in the New York Times quotes Kirk: "The adversarial system doesn't know who's guilty or who's innocent. The millstone doesn't know who's under it." That article, entitled "A Death Penalty Fight Comes Home," is notable because it describes the campaign Kirk is helping to lead to abolish the death penalty in Maryland, the State where he was convicted and sent to death row.

Kirk is an example of someone who was subjected to the basest indignities and humiliation, and who then came back to inspire others to prevent future unjust convictions. It is the mark of a man of extraordinary character and courage, who deserves our praise and admiration. I ask unanimous consent that a copy of the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 5, 2013]

#### A DEATH PENALTY FIGHT COMES HOME

(By Scott Shane)

ANNAPOLIS, MD—Kirk Noble Bloodsworth, a beefy, crew-cut man whose blue T-shirt read "Witness to Innocence," took the microphone in a church hall here and ran

through his story of injustice and redemption one more time. Twenty years ago, he walked out of a Maryland prison, the first inmate in the nation to be sentenced to death and then exonerated by DNA.

About 60 activists against the death penalty listened with rapt attention, preparing to descend on state legislators to press their case. Maryland appears likely in the next few weeks to join the growing list of states that have abolished capital punishment. Some longtime death penalty opponents say no one in the country has done more to advance that cause than Mr. Bloodsworth. But ending executions in Maryland, the state that once was determined to kill him, would be a personal victory for him.

Even for proponents of capital punishment, Mr. Bloodsworth's tale is deeply unsettling. In 1984, he was a former Marine with no criminal record who had followed his father's profession as a waterman on the Eastern Shore of Maryland. A woman glimpsed on television a police sketch of the suspect in the rape and murder of a 9-year-old girl outside Baltimore. She thought it looked like her neighbor Kirk, and she called the police.

From there, with the police and prosecutors under intense pressure to solve the crime, it was a short route to trial, conviction and a death sentence for a man whose Dickensian name, after all, seemed to imply guilt.

"I was accused of the most brutal murder in Maryland history," Mr. Bloodsworth, now 52, told the church audience. "It took the jury two and a half hours to send me to the gas chamber."

Only after nine years in the state's most decrepit and violent prisons did Mr. Bloodsworth, through his own perseverance and some aggressive lawyering, manage to get the still-novel DNA test that finally proved his innocence in 1993.

Even then, prosecutors publicly expressed doubt about his innocence. "Nobody knew what DNA was then—it was sort of shaman science, a 'get out of jail free' card," he said in an interview. It took another decade—and, again, Mr. Bloodsworth's own dogged efforts—before officials ran the DNA from the murder scene through a database and identified the real killer, who is now serving a life sentence. He bore little resemblance to the description that the police had compiled from eyewitnesses.

Mr. Bloodsworth said he kept pursuing the test to clear himself once and for all, but also to find the killer of the girl, Dawn Hamilton, who was found in the woods stripped of clothing from the waist down, her head crushed with a piece of concrete. "This was a ghastly, horrific thing," he said.

Even after his release, Mr. Bloodsworth could never quite escape the false charges that had threatened him with execution. He tried to return, he said, to "a normal life," but he was haunted by what he had learned about the justice system.

"If it could happen to me, it could happen to anybody," he said. He threw himself into work against capital punishment and for justice reform, first as a volunteer speaker and later as a professional advocate. Last month he began work as the advocacy director for Witness to Innocence, a Philadelphia-based coalition of exonerated death row inmates who push to end capital punishment.

The movement to end the death penalty has garnered more support from politicians and the public as it has shifted from moral condemnation of capital punishment to a more practical argument: that mistakes by witnesses and the police inevitably mean that innocent people will be executed. While DNA gets the limelight, of 142 prisoners sentenced to death and then exonerated in the last 40 years, just 18 were freed over DNA